

THOMAS O'HAVER; May 18, 2010

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION

4 PATTY BEALL, MATTHEW MAXWELL,)
5 TALINA McELHANY and KELLY)
6 HAMPTON, individually and on)
7 behalf of all other similarly)
8 situated,) 2:08-cv-422 TJW
9)
10 Plaintiff(s),)
11 vs.)
12 TYLER TECHNOLOGIES, INC., and)
13 EDP ENTERPRISES, INC.,)
14 Defendant(s).)

15 DEPOSITION UPON ORAL EXAMINATION OF
16 THOMAS O'HAVER

17 9:20 A.M.

18 MAY 18, 2010

19 520 PIKE STREET, 12TH FLOOR

20 SEATTLE, WASHINGTON



21 REPORTED BY: MARY L. GREEN, CCR 2981

THOMAS O'HAVER; May 18, 2010

Page 2

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A P P E A R A N C E S

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ALSO PRESENT: LYNN MOORE, Tyler Technologies

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THOMAS O'HAVER; May 18, 2010

Page 3

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I N D E X

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EXAMINATION BY:

PAGE(S)

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MS . PERLIONI

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MS . BAGLEY

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EXHIBITS FOR IDENTIFICATION

PAGE

11

12

1 Consent to Become a Party Plaintiff

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13

2 Summary sheet of benefits, brochures, and
annual reports

8

14

3 Tyler Technologies Employee Handbook

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4 Check Register

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5 Resume

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6 Expense Detail

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7 Calendar

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8 May 7, 2010, letter to Thomas O'Haver from
Rose Feazell

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9 Notice of Deposition

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10 Instructions to Client/Witness

21

24

11 November 14, 2003, e-mail to Demonstrator
from Thomas O'Haver

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THOMAS O'HAVER; May 18, 2010

9 (Pages 24 to 27)

Page 24	Page 25	Page 26
1 events for you coming in to interview for the position?		1 Q. During your interview with Mr. Jackson, did
2 A. Yes, I can. I had evidently in November of		2 you have any discussion about the implementation
3 2003 submitted a cover letter and resume to EDEN		3 consultant position?
4 Systems, because I saw that they were hiring for a		4 A. Yes.
5 position that I was qualified for. I did not receive a		5 Q. What do you recall Mr. Jackson telling you
6 response initially from them, so I called the office		6 about the position?
7 and asked for the manager of the consulting group.		7 A. That it was a training consulting position for
8 I happened to get the president of the company		8 their software and it involved travel.
9 on the phone, talked about my interest in working and		9 Q. Did he describe the type of software he was
10 interviewing for them, and he said are you available		10 referring to?
11 today? I said yes, so I quickly jumped in my car and		11 A. Yes. Their software was financial-based
12 came down and interviewed with the company.		12 module software incorporating many financial modules.
13 Q. Who was the president of the company that you		13 Q. And did he describe -- you mentioned he
14 happened to catch on the --		14 discussed travel. Did he describe the anticipated
15 A. Gene Jackson.		15 amounts of travel?
16 Q. And when you --		16 A. Yes. He said the travel could involve up to
17 A. Excuse me. His title is executive vice		17 80 percent or more travel.
18 president on the letter. Later on he became president,		18 Q. And did he describe for you -- you mentioned
19 but at the time that he interviewed with me, he		19 he said -- he discussed that it was a training
20 obviously was the vice president.		20 consulting position relating to EDEN software. Did he
21 Q. So that's the Gene Jackson you were just		21 explain further what he meant by training or
22 referring to signing the letter that we've marked		22 consulting?
23 Deposition Exhibit 12?		23 A. The title of the position was implementation
24 A. Yes.		24 consultant, but he said it was primarily a training
25 Q. And when you came to EDEN Systems, is that who		25 position.
Page 25		Page 27
1 you interviewed with, Mr. Jackson?		1 Q. But did he explain what he meant by that?
2 A. Initially, yes.		2 A. That I would train the users on the
3 Q. Describe for me the sequence of events once		3 implementation of the EDEN software.
4 you arrive at EDEN Systems. Who did you first meet		4 Q. What do you mean by the implementation of the
5 with?		5 EDEN software?
6 A. The receptionist.		6 A. The customers, which were primarily
7 Q. And I assume she was just directing -- she or		7 municipalities, county, city, or private utility
8 he was directing you to where you would go to meet with		8 companies, would purchase the software from EDEN
9 someone else?		9 Systems as a result of either upgrading from one
10 A. Yes.		10 version of the software to another or from a new
11 Q. And who was the first person you met with?		11 purchase of their software, and they would need to be
12 A. Gene Jackson.		12 trained on the use of that software and the software
13 Q. What do you recall from your meeting with		13 would need to be configured to meet their needs, and
14 Mr. Jackson when you went to interview for the position		14 that would be my responsibility to help configure and
15 at EDEN Systems?		15 to train the end users.
16 A. It was a productive discussion of my interest		16 Q. I mean, I'm just trying to understand. Can
17 in employment with EDEN Systems and their interest in		17 you explain what the implementation -- what that means
18 pursuing my interest.		18 when you say implementation?
19 Q. If you look on Deposition Exhibit 12, your		19 A. Implementation means to -- to bring the
20 offer letter, it says that you were offered employment		20 software to a point of productional use for the client.
21 as an implementation consultant. Do you see that?		21 Q. What kind of things did that entail?
22 A. Yes.		22 A. Well, the software is very module parameter
23 Q. And that's the position for which you were		23 based and needs to be set up. It doesn't work right
24 hired?		24 out of the box, because it's made to be -- fit many
25 A. Yes.		25 different clientele situations. Therefore, it needed

THOMAS O'HAVER; May 18, 2010

10 (Pages 28 to 31)

Page 28	Page 30
1 to be set up to meet the needs of the client, and after 2 being set up, the client needs to be trained on the use 3 of that software.	1 A. I had two managers -- yeah -- at least two 2 managers while I was with EDEN Systems and Tyler 3 Technologies.
4 Q. Maybe you can walk me through. So I'm a new 5 customer.	4 Q. For the record, let's do this. Initially when 5 you were first hired it was EDEN Systems?
6 A. Yes.	6 A. Correct.
7 Q. I'm some kind of governmental unit. Say I'm a 8 municipality.	7 Q. And ultimately that was acquired by Tyler 8 Technologies?
9 A. Uh-huh.	9 A. Yes.
10 Q. And I have purchased the software, the EDEN 11 solution software, right?	10 Q. And I think it was shortly after you were 11 hired?
12 A. Yes.	12 A. Yes.
13 Q. Do you get initial -- I mean, where do you 14 come in? Do you get notice, hey, we have this new 15 customer, or just kind of walk me through your role in 16 that process. Are you part of selling the software to 17 the new customer?	13 Q. Can we just refer to Tyler Technologies?
18 A. No.	14 A. Yes.
19 Q. So when would you come in and how would you 20 get notice of a new customer?	15 Q. Let's talk about during your tenure with Tyler 16 Technologies, first manager was?
21 A. I come in after the sale cycle is complete and 22 after the project manager has met with the client, come 23 up with an implementation plan, and also after the 24 conversion department of EDEN Systems has converted 25 their existing data to the new format that the new	17 A. I don't recall. I think it was Paul, and I 18 can't recall his last name. It was just for a short 19 period of time.
	20 Q. And then --
	21 A. You may have more information on that than I 22 do.
	23 Q. And then your second?
	24 A. Marilyn Foos.
	25 Q. Was there a Rick Dybvad?
Page 29	Page 31
1 software requires. Then my job is to set up the 2 software and to train the end users.	1 A. Yeah. Rick Dybvad. Thank you.
3 Q. So I want to walk through that process. So it 4 sounds to me if I'm understanding correctly, you say 5 the project manager initially meets with the client and 6 creates the implementation plan. Some other group 7 takes the client's data and converts its existing data 8 into the EDEN software, and then that's when you come 9 in after that has happened. Am I correct on that?	2 Q. That was your first manager?
10 A. Partly. If they were an existing client, EDEN 11 client, then they'd take their software from one 12 version and convert it to whatever needs to be in for 13 the new version. Sometimes that's minimal conversion. 14 Sometimes if they were on a different software 15 altogether, it could be some major conversion.	3 A. That was my first manager, Rick Dybvad.
16 I would not be directly involved in that. I 17 would take that data -- come in at the point of data 18 being -- having been converted and train the users on 19 that with their converted data on the new software.	4 Q. So you get the call from your manager. What 5 does your manager tell you?
20 Q. So who notifies you -- okay. We've taken the 21 data, converted it into our software, and set up, so 22 who notifies you? What kind of information do you get 23 at that point?	6 A. That we have a new client and that I should be 7 prepared to include that client on my schedule and to 8 meet to discuss the details of the implementation.
24 A. My manager notifies me.	9 Q. Who would you meet with to discuss the details 10 of the implementation?
25 Q. Who was your manager?	11 A. It would be a team involving the project 12 manager, perhaps my manager, not always, the conversion 13 group within Tyler, and that would be it.
	14 Q. When you say that would be it --
	15 A. That would be the initial internal Tyler 16 discussion.
	17 Q. But that would include you, though, right?
	18 A. Yeah. Including myself. So that would be the 19 first meeting that I would have in regards to the 20 project.
	21 Q. What -- in that first initial meeting, what 22 was discussed?
	23 A. The condition of the data, any unique 24 situations for the client, and the number of 25 implementation sessions that would be necessary.

THOMAS O'HAVER; May 18, 2010

11 (Pages 32 to 35)

Page 32	Page 34
<p>1 Q. Who decides the number of implementations?</p> <p>2 A. The project manager.</p> <p>3 Q. What is that based on?</p> <p>4 A. How much they're willing to pay.</p> <p>5 Q. How much the client is willing to pay?</p> <p>6 A. Yes.</p> <p>7 MS. BAGLEY: Give them all the training</p> <p>8 they want.</p> <p>9 Q. (BY MS. PERLIONI) So that's decided at that</p> <p>10 first team meeting?</p> <p>11 A. Yes.</p> <p>12 Q. And then what happens next?</p> <p>13 A. Then I schedule a phone meeting with the</p> <p>14 client.</p> <p>15 Q. Why do you need the phone meeting with the</p> <p>16 client?</p> <p>17 A. To introduce myself, and it may include a</p> <p>18 Webex session to show them what the software will look</p> <p>19 like that they get and to also look at their -- some of</p> <p>20 their data. It's just kind of an introductory session</p> <p>21 and also to gather some information for preliminary</p> <p>22 set-up.</p> <p>23 Q. And what would make you decide to do a Webex</p> <p>24 for a particular client?</p> <p>25 A. So that they could see what their screens were</p>	<p>1 see what is different and how it's set up.</p> <p>2 A. Yes.</p> <p>3 Q. What would you do in that interim period</p> <p>4 before you prepared this Webex to give to clients?</p> <p>5 MS. BAGLEY: Object to the form.</p> <p>6 Q. (BY MS. PERLIONI) You still answer the</p> <p>7 question.</p> <p>8 A. Could you restate the question?</p> <p>9 Q. I'm just trying to understand how you became</p> <p>10 familiar with whatever set-up has been prepared and</p> <p>11 configured that's unique to the different clients.</p> <p>12 A. That would be one of the purposes of that</p> <p>13 initial meeting to determine what uniquenesses they had</p> <p>14 and to take note of those and to show the clients some</p> <p>15 of the screens and forms and interfaces that they would</p> <p>16 be experiencing. It was an introductory meeting.</p> <p>17 Q. The Webex meeting?</p> <p>18 A. Yeah.</p> <p>19 Q. But if you're preparing the Webex, don't you</p> <p>20 have to look at it ahead of time?</p> <p>21 A. No. The Webex is just an interactive session</p> <p>22 with the client. It's not a prepared presentation.</p> <p>23 It's just -- a Webex is a way of connecting with the</p> <p>24 client so that they can see what's on my computer and I</p> <p>25 can see what's on their computer.</p>
Page 33	Page 35
<p>1 going to look like.</p> <p>2 Q. I thought you said you might do a Webex. Did</p> <p>3 you do some for some clients?</p> <p>4 A. Yes.</p> <p>5 Q. What would make you decide to do a Webex for</p> <p>6 one client and not for another one?</p> <p>7 A. The project manager would recommend it.</p> <p>8 Q. Based on what? Do you know?</p> <p>9 A. Based on their experience and what they</p> <p>10 already knew of the software.</p> <p>11 Q. This Webex, was that something you prepared?</p> <p>12 A. Yes.</p> <p>13 Q. What would that -- I mean, what would it show</p> <p>14 them?</p> <p>15 A. It would just show them some of the screens --</p> <p>16 screen shots on my computer that they would eventually</p> <p>17 have for their software.</p> <p>18 Q. I want to take it a step back. So in</p> <p>19 preparing this Webex, you mentioned earlier that these</p> <p>20 modules were configured specific to the client and the</p> <p>21 client needs.</p> <p>22 A. Yes.</p> <p>23 Q. So if they're different and configured</p> <p>24 different based on client, what do you do to be able</p> <p>25 to, you know -- obviously you have to somehow go in and</p>	<p>1 Q. So it's not like a canned PowerPoint or</p> <p>2 anything like that?</p> <p>3 A. No.</p> <p>4 Q. It's actually their data set up and configured</p> <p>5 in the system?</p> <p>6 A. It's like a Skype without looking at them but</p> <p>7 looking at their computer instead.</p> <p>8 Q. And then you just sort of maneuver through the</p> <p>9 set-up?</p> <p>10 A. Yeah.</p> <p>11 Q. And what do you -- like what kind of things</p> <p>12 will you decide to maneuver through or to show them</p> <p>13 during that initial Webex?</p> <p>14 A. I will show them the software screens that</p> <p>15 they would be using, and then I would look at some of</p> <p>16 their existing data and maybe some screen shots of how</p> <p>17 they're doing -- what they're using currently if I was</p> <p>18 not familiar with it. Like they may be coming from a</p> <p>19 different module, different software altogether.</p> <p>20 Q. So is that sort of a way not only for you to</p> <p>21 show them the system but also for you to gain</p> <p>22 information from them about, you know, their own data</p> <p>23 and -- what did you call it earlier? -- you said</p> <p>24 gather information?</p> <p>25 A. Yes. It would be a way of gathering some</p>

THOMAS O'HAVER; May 18, 2010

12 (Pages 36 to 39)

Page 36	Page 38
<p>1 preliminary information that might be useful for my 2 training of their staff.</p> <p>3 Q. What type of things did you find that you 4 wanted to gather from the client prior to going out and 5 actually meeting with them?</p> <p>6 A. It depended on the module that I was training 7 them for. I supported several modules of the Tyler 8 suite of software.</p> <p>9 Q. Which modules did you support?</p> <p>10 A. Utility billing, parcels and permits, and 11 special assessments.</p> <p>12 Q. For the record, can you describe what those 13 modules are starting with what is a utility billing 14 module?</p> <p>15 A. Utility billing is software to collect utility 16 consumption, utility usage consumptions for water and 17 sewer usage and to track that usage and produce a bill 18 to send out to the customer.</p> <p>19 Q. Does it also include collections and 20 accounting for whether or not you've received payment 21 for --</p> <p>22 A. No. That's other modules of Tyler suite of 23 software would take care of that, and I was not 24 responsible for those modules.</p> <p>25 Q. Can you explain for the record what the</p>	<p>1 modules, so I would need to be familiar with those 2 parameters and the way those modules worked generally 3 but not specifically.</p> <p>4 Q. Were you involved in any of the 5 implementations that may have been associated with 6 those other modules?</p> <p>7 A. No.</p> <p>8 Q. So you were talking about -- we were talking 9 about that initial call that you would have with the 10 customer and how you were trying to gather information.</p> <p>11 A. Yes.</p> <p>12 Q. Tell me why that's necessary that you gather 13 information for moving forward with the implementation.</p> <p>14 A. Because the first session that I would have 15 with the client on-site would need to be a training 16 session to train them on some of the set-up of their 17 system, and in order to set up their system, I would 18 need some information.</p> <p>19 Q. Can you give me an example of the type of 20 information that you would want to gather?</p> <p>21 A. Yes. For example, the utility billing module 22 I would need to know how many billing cycles there are.</p> <p>23 Q. And does that differ between clients?</p> <p>24 A. Yes. Yes.</p> <p>25 Q. What other kinds of things?</p>
<p>1 parcels and permits module did?</p> <p>2 A. It kept track of parcels of land and any 3 permits associated with those parcels of land and the 4 customer or citizen that owned those parcels.</p> <p>5 Q. And what about the special assessments module?</p> <p>6 A. Special assessments was similar to the utility 7 billing but involved special assessments of the 8 property owner for improvements such as sidewalks, 9 utility construction, roads, anything that the customer 10 would be billed for or shared with other customers as 11 part of their ownership of land.</p> <p>12 Q. So throughout your tenure at Tyler 13 Technologies, the only modules you supported were 14 utility billing, parcels and permits, and special 15 assessments?</p> <p>16 A. Yes.</p> <p>17 Q. So do you have any knowledge about the 18 implementation of any other modules that may exist at 19 Tyler Technologies?</p> <p>20 A. Just what was necessary to do my job.</p> <p>21 Q. What do you mean by that?</p> <p>22 A. The modules that I supported interfaced with 23 the accounts payable and accounts receivable and the 24 general ledger, and there were some parameters that 25 needed to be set up to interface correctly with those</p>	<p>1 A. How many meters there are, how the meters are 2 read, how their calculations are performed to determine 3 the bill amount. That varied per client, and the 4 software was flexible enough to accommodate different 5 methods of calculation, and so I would need to know 6 that before I could set them up.</p> <p>7 Q. So you obtained this data and then you set 8 these parameters up within the software?</p> <p>9 A. Yes.</p> <p>10 Q. And did that apply to only utility billing or 11 would that apply to all the different modules you 12 supported?</p> <p>13 A. It would apply to all the modules.</p> <p>14 Q. And did you ask these types of questions 15 relating to utility billing, parcels and permits, and 16 special assessments of every client in that first 17 meeting or were sometimes they just getting one module 18 or another module? Did that make sense?</p> <p>19 A. No.</p> <p>20 Q. Not a great question, was it? When you were 21 doing implementing modules, was it typically just one 22 of the modules you supported or was it sometimes 23 multiple different ones like, for example, you would be 24 doing utility billing and special assessments?</p> <p>25 A. One at a time.</p>

THOMAS O'HAVER; May 18, 2010

13 (Pages 40 to 43)

Page 40	Page 42
<p>1 Q. And how was that determined which particular 2 module you would be implementing at any given time? 3 A. My manager decided that. 4 Q. So you have this initial meeting where you are 5 asking questions, digging, getting information so you 6 can set up the flexibility -- I'm sorry -- the 7 different parameters within the software. 8 A. Yes. 9 MS. BAGLEY: Object to the form. 10 Q. (BY MS. PERLIONI) What comes next? What do 11 you do next in any implementation? 12 A. Then I schedule the first training session and 13 that's it. 14 Q. After you've scheduled -- do you do anything 15 to prepare for showing up for that first training 16 session? 17 A. Yes. 18 Q. What do you do to prepare? 19 A. I collect all the information that I gathered 20 in that initial conference call and any information 21 that I had from the other team members from the other 22 groups and project manager, my manager, the conversion 23 people, and put that into a -- fit that into the 24 implementation plan that the company provided me to 25 make sure that everything is accounted for; that it's</p>	<p>1 was pretty well set in place. The first trip is a 2 set-up session to set up the software to get ready to 3 start training the end users. 4 Q. What do you mean by set-up session? What does 5 that entail? 6 A. It involves parameters and formula creation 7 and testing and parameter sets, switches, set-up forms 8 that the end user would not normally see. That 9 determines how the software works. 10 Q. And you said during that meeting you met with 11 whoever was the on-site technical contact? 12 A. Yes. 13 Q. So is it normally like an IT person or... 14 A. It was normally an IT person and managers that 15 knew about the way they did business. 16 Q. So you go on-site for that meeting? 17 A. Yes. 18 Q. And you sat down with whether it's the IT 19 person and maybe a manager who is going to be utilizing 20 the project? 21 A. Yes. 22 Q. Excuse me. Product. And walk me through how 23 you go about setting these parameters, the formulas, 24 and then testing to make sure they work. 25 A. We had a set checklist that the company</p>
<p>1 in the state to which they are ready for an initial 2 session of training. 3 When they are -- that may take several back 4 and forth inquiries to get all the information 5 together, but when they are ready, then I go out to 6 their site and set up a session and work with whoever 7 they determine would be their main technical person to 8 set up their system, and that may include several 9 people. 10 Q. I want to go back real quick. You said the 11 implementation plan that the company provided you. 12 A. Yes. 13 Q. So you take the data that you gathered from 14 your conversations with the client and then you revise 15 that plan to make sure it accommodates what you've 16 determined the needs are; is that correct? 17 MS. BAGLEY: Object to the form. 18 A. That's already usually determined what their 19 needs are. They need to Go Live with new software. 20 Q. (BY MS. PERLIONI) Right. But you said you 21 would adapt that plan, that implementation plan, to 22 accommodate whatever it is that you've discovered in 23 your discussions with the clients. 24 A. It would be minor adaptation based on where 25 they're at and what their data looks like. The plan</p>	<p>1 provided me that was unique to the module and also 2 unique to the type of implementation, whether it was an 3 upgrade or a complete new install, and that checklist 4 would be -- would be -- we'd use that checklist to go 5 over and gather information and make the set-up changes 6 necessary. 7 Q. So give me an example of like one entry on the 8 checklist. What would be one item that's listed on the 9 checklist? 10 A. Well, like I mentioned, for utility billing, 11 it would be the number of billing cycles and when those 12 bills would be sent out. It would also involve -- 13 another parameter would be when the meter reads are 14 taken and whether they're taken manually or through an 15 automated process, and then another parameter would be 16 or another setting would be how is their bill 17 calculated? 18 There would be many of those types of 19 parameters based upon the module that would need to be 20 set up before we train their end users. 21 Q. So the checklist identifies these topics, and 22 then you sitting down with the manager and the IT 23 person from the client talk through how they do things 24 and how they are going to do things going forward and 25 then you configure the software to meet their needs?</p>

THOMAS O'HAVER; May 18, 2010

14 (Pages 44 to 47)

Page 44	Page 46
<p>1 A. Correct.</p> <p>2 Q. So approximately how long does this particular 3 set-up meeting last?</p> <p>4 A. That varied for the client and the size of the 5 implementation, but usually it was a one-week session 6 involving four days on-site.</p> <p>7 Q. Four days on-site for the set-up alone?</p> <p>8 A. Yes.</p> <p>9 Q. Why does the set-up take so long?</p> <p>10 A. Because the software is very customizable, and 11 it's generic software to meet the needs of different 12 types of people, different types of end users, and, 13 therefore, there are many screens and many set-ups and 14 many testing and back and forth iterations to be set up 15 in order to make it work.</p> <p>16 Q. So it's not just going through -- you're also 17 then testing -- is there data already in the software 18 at that point?</p> <p>19 A. Yes. At that point they would have had at 20 least one conversion.</p> <p>21 Q. So the data is there. Now you're actually 22 setting it all up so it meets their needs?</p> <p>23 A. Correct.</p> <p>24 Q. And what kind of testing do you do to ensure 25 things are working accurately?</p>	<p>1 I would determine the capability of the 2 software versus their way of doing things, and if the 3 software would do things exactly the way that they were 4 used to doing it, there would be no discussion 5 necessary, but if there would be any variation in that, 6 then I would consult with my manager to come up with a 7 plan of implementation.</p> <p>8 Q. So the only time you do that, though, is if 9 you've already determined that what they're wanting is 10 not within the capabilities of the software?</p> <p>11 A. Well, not necessarily the capability of the 12 software but not the -- maybe not the -- that the 13 software doesn't exactly work the way that they're used 14 to seeing it work in their old version or old software. 15 If it was any departure from the way they normally do 16 business, then I would consult with my manager to 17 determine what the best approach would be.</p> <p>18 Q. How often, I mean, during one of these setting 19 up sessions do you call your manager?</p> <p>20 A. I was in touch with the manager every day and 21 the project manager.</p> <p>22 Q. That was not my question. I mean where you 23 call in to discuss with your manager different 24 variations or possibilities for an issue that has 25 arisen with a client where you need to follow up and</p>
<p>1 A. I compare the results of our program to their 2 existing program numbers and screens and totals that 3 they have for specific clients or -- yeah -- for 4 specific test situations.</p> <p>5 Q. And you mentioned there are different 6 iterations. That was your word. I'm not sure what 7 that meant.</p> <p>8 A. Different cycles, different billing periods, 9 different combinations of permits perhaps, different 10 combination of special assessments, so it varied based 11 on the module.</p> <p>12 Q. So you go out there and set -- you know, 13 engage in this interactive process with the client, and 14 then you work through and set the parameters up like 15 you've mentioned. How do you go about deciding, okay, 16 we need to go back and test this or here's where we 17 might have problems or if you have to recommending 18 certain preferences over others? I mean, what does 19 that involve and how do you know how to do that?</p> <p>20 MS. BAGLEY: Form.</p> <p>21 A. I would consult with my manager.</p> <p>22 Q. (BY MS. PERLIONI) On what types of things?</p> <p>23 A. What the best methodology to use for this 24 client if I were to recommend something different than 25 they're used to doing.</p>	<p>1 have those discussions.</p> <p>2 A. It varied. It varied based on the client, the 3 module, the availability of my manager, the 4 complexities of the implementation, so I can't really 5 give you a number, but I was in touch by e-mail and 6 usually every day by e-mail and maybe a couple times 7 during the week an implementation session by voice mail 8 -- by voice with my manager and/or the project manager.</p> <p>9 Q. And is that sometimes just providing just 10 status, here's where we are?</p> <p>11 A. Yes. In most cases, it would be providing the 12 status in the case of the e-mails.</p> <p>13 Q. So you said this is typically four days for 14 this initial going in and setting up the software; is 15 that correct?</p> <p>16 A. Depends on the module and the complexity of 17 the implementation. Sometimes it would take two set-up 18 sessions.</p> <p>19 Q. Were you typically there as the sole Tyler 20 Technologies representative? I mean, I understand 21 you're meeting with people from the client, but I'm 22 just wondering from the perspective of a Tyler 23 representative, were you there by yourself?</p> <p>24 A. That varied. Many times I would be. 25 Sometimes I would be there with the project manager,</p>

THOMAS O'HAVER; May 18, 2010

15 (Pages 48 to 51)

Page 48	Page 50
<p>1 sometimes I'd be there with my manager, and sometimes 2 I'd be there with the data people.</p> <p>3 Q. Why would you -- so on these occasions where 4 someone went with you, typically why was someone going 5 with you?</p> <p>6 A. The size of the implementation. If it was a 7 very large client, we may have to have more than one 8 session going on at a time.</p> <p>9 Q. So the Tyler representative that is there is 10 in a different room doing something different than what 11 you're doing?</p> <p>12 A. Yeah.</p> <p>13 Q. So at the end of this time period where you're 14 meeting with the client for the set-up, what happens as 15 that -- those four days or whatever it takes come to a 16 conclusion? What happens next?</p> <p>17 A. Then I go back either to the office or to 18 another client session the next week after reporting to 19 my manager and to the project manager what occurred 20 during this implementation session and documenting 21 everything that went on. There was a documentation -- 22 document that was produced every session that we had.</p> <p>23 Q. Follow-up memo?</p> <p>24 A. Follow-up memo, right.</p> <p>25 Q. So you finished this week. You prepared your</p>	<p>1 Q. So what would you have to do if you determined 2 that it was more complex than the typical formula?</p> <p>3 A. Usually involved some testing of formulas, and 4 a lot of that could happen back at the office as a 5 result of the visit before the next visit.</p> <p>6 Q. So if it's something like that where you 7 decide the formula for calculating was more complex 8 than what you typically see, then you might have 9 someone back at the office do some underlying or 10 additional testing to see if it works with --</p> <p>11 A. Yeah.</p> <p>12 Q. -- the software; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. So then can you describe what you -- so 15 there's this next step in the implementation process 16 that's planned. Do you do any preparation before that 17 next step, the next client meeting?</p> <p>18 A. Yes. I send out an agenda based upon what was 19 accomplished the first time and what needs to be 20 accomplished the next time as specified in our standard 21 implementation plan.</p> <p>22 Q. Do you tailor the implementation plan when you 23 set up the agenda so, you know, it's tailored to what 24 you actually accomplished before and what you expect to 25 accomplish on this particular trip?</p>
Page 49	Page 51
<p>1 follow-up memo. What do you do to plan for the next 2 session with any particular client?</p> <p>3 A. There would have been an implementation plan 4 in place from our initial meeting, and if nothing has 5 changed, then I just plan for that next implementation 6 session.</p> <p>7 Q. What could change? What could have changed?</p> <p>8 A. There could have been some unexpected delays 9 in the set-up or some complexities that kept us from 10 being completed, and that could have been data problems 11 or it could have been procedural developments that we 12 did not know about until we got on-site.</p> <p>13 Q. So were these things you discovered or that 14 you were looking for when you were doing the testing?</p> <p>15 A. They're things that I discovered. I didn't 16 necessarily look for them, but many times, you know, 17 it's like life. Things come up, and during the initial 18 set-up session, we may have discovered something that 19 they didn't tell us about before.</p> <p>20 Q. Like what kind of things? Can you give me an 21 example?</p> <p>22 A. Oh, maybe their formula, their method of 23 calculating the consumption and the billing for a 24 utility billing was more complex than what we normally 25 dealt with.</p>	<p>1 A. Yes.</p> <p>2 Q. When you said you send that out, is that sent 3 to the client?</p> <p>4 A. Yes.</p> <p>5 Q. Do you come up with any homework or premeeting 6 work that you ask the client to do?</p> <p>7 A. Sometimes.</p> <p>8 Q. What kind of things would you ask the client 9 to do before you arrive for the next step in the 10 implementation?</p> <p>11 A. If it was another set-up session, then I would 12 have them collect the information necessary to set up 13 the -- complete the set-up that is scheduled to be done 14 in that session, and that may involve them doing some 15 homework to gather numbers of customers, numbers of 16 meters, types of meters, the cycles of when the meters 17 are read, how they are read. It goes on and on.</p> <p>18 It depends on what needs to be done, but 19 typically I would request them to have information.</p> <p>20 They didn't always have it when I got there, however.</p> <p>21 Q. You'd like for them to be prepared, right?</p> <p>22 A. Yes. Homework -- I had no authority as an 23 instructor to enforce their homework, so many times 24 on-site it would be checking that information, but, 25 yeah, I would assign homework.</p>

THOMAS O'HAVER; May 18, 2010

16 (Pages 52 to 55)

Page 52	Page 53	Page 54	
1 Q. And would that be based on your prior set-up? 2 A. Yes. 3 Q. So things you determined needed follow-up or 4 additional set-up, you would identify those for them? 5 A. Well, things I would determine in the 6 implementation plan that was given me. 7 Q. So are you saying that everything you were 8 asking your client to go look for and prepare for came 9 straight from the implementation plan? You didn't 10 create the list for your client I need X, Y, Z? 11 A. I did not typically create that from scratch, 12 no. 13 Q. Where did it come from? 14 A. From the client implementation plan that I was 15 given from the module. 16 Q. Did you look at that plan and pull out those 17 specific things for this particular client that you 18 still needed for the next set-up? 19 A. Yes. 20 Q. You get there. How often does everything go 21 exactly as you expected? You get there, the client is 22 prepared, has every bit of information you need. 23 A. Oh, I can't really give a definite answer to 24 that, but many times it would go smoothly. Sometimes 25 it would not.	1 A. It depends on the size of the group. Usually 2 it was a classroom situation and PowerPoint using the 3 material that I was given for the implementation. 4 Q. What material are you referring to? 5 A. PowerPoint screen shots and curriculum. 6 Q. So I'm trying to understand. Are you saying 7 that you did not create any PowerPoints for any of the 8 presentations or training sessions you did? 9 A. No. I may have modified some to include some 10 screen shots or some specific points that a client was 11 having trouble with, but I used PowerPoints and other 12 materials that were given to me by the company. 13 Q. What about the curriculum? Do you modify that 14 as well based on what you're seeing with individuals 15 that you're training? 16 A. Not usually. 17 Q. So you never had to vary from a set curriculum 18 for the training that you're giving? 19 A. No. There were times when I would elaborate 20 on certain aspects or add or modify based upon the end 21 users' special conditions or knowledge. 22 Q. And how did you determine whether you needed 23 to elaborate or modify? 24 A. From feedback during the training session and 25 during the preliminary sessions.	1 Q. Can you tell me -- give me some examples of 2 when you get there and everything is completely 3 different than you expected where you had to really 4 change course and do whatever it takes to get something 5 done? 6 MS. BAGLEY: Object to the form. 7 A. There might be a situation where a client or a 8 group of the people were not present because they had 9 something else that conflicted with the training 10 session. 11 Therefore, I'd have to change my schedule to 12 accommodate maybe two sessions of people that had to be 13 rotated because people had to be on the phone or be in 14 production producing something, because they didn't 15 come away from their jobs necessarily to come to class. 16 They had to rotate into the sessions sometimes, and so 17 I'd have to schedule maybe two sessions of training 18 when I had to plan for one. 19 Q. (BY MS. PERLIONI) How did you conduct the 20 training? I mean, is this classroom style? 21 Powerpoint? Lecture? Sitting down at computers? 22 A. Yes. 23 Q. All of the above? 24 A. Yes. 25 Q. What was your strategy?	1 Q. Feedback from the client? 2 A. Yeah. And the project manager and my manager. 3 Q. Going in, you said you used PowerPoint but 4 that you modified it some. What -- if you're -- 5 A. I may have modified it. 6 Q. What kind of things would you -- if you look 7 at the standard PowerPoint, what kind of things would 8 you say, you know what, for this client, I need to 9 modify the PowerPoint to reflect whatever it is? What 10 kind of things would you do? 11 A. I can't recall anything specific, but it may 12 have involved more detail on some aspects of the set-up 13 or the operation that was unique for the client. 14 If they were not accustomed to the screens, it 15 may have more screen shots for them. If they were 16 coming from a different software altogether from Tyler, 17 then I would give them more detail on the way Tyler did 18 things as opposed to the way they're used to doing 19 things. 20 Q. Are those things you determined based on your 21 interactions you'd had with the client where you were 22 information gathering? 23 A. That and what the project manager and my 24 manager determined. 25 Q. So is that a collaborative effort between you,

THOMAS O'HAVER; May 18, 2010

17 (Pages 56 to 59)

Page 56	Page 58
1 your project manager, and your manager?	1 Q. What type of curriculum are you referring to?
2 A. Yes.	2 A. Written print-outs that we print out for them
3 Q. When you talked about you may elaborate or	3 to follow along while I lecture.
4 modify based on the end user, do you know that going in	4 Q. So that's a hand-out you give to them?
5 or is that something as you're sitting down with the	5 A. Yeah.
6 end user you're watching them and trying to determine	6 Q. How do you determine the best way to lecture
7 how much they're grasping or a combination?	7 the end users on the particular hand-outs that you've
8 A. Combination.	8 given?
9 Q. Can you walk me through? I mean, what is it	9 A. I'm trained on the standard way of conducting
10 that you do to try to figure out how well your end user	10 the session.
11 is grasping what you're trying to train them on?	11 Q. What do you mean by that? What type of
12 A. Well, I've been trained as a technical	12 training are you referring to?
13 trainer, and I am able to determine usually if the	13 A. With the PowerPoint presentation that
14 students are grasping what I'm teaching, and I usually	14 incorporates -- that follows the curriculum and
15 ask for a lot of feedback during the training and	15 incorporates screen shots and the information that they
16 observe what they do during their practice sessions	16 have given me for set-up and billing and permitting or
17 that go along with the training, and I may modify my	17 special assessment parameters that they -- parameters
18 training based upon what I observe, but it all follows	18 and operational methodologies that they do -- they
19 the planned curriculum that we have that has been	19 utilize.
20 provided to me by the company.	20 Q. Do you utilize a PowerPoint in every one of
21 Q. What is that planned curriculum you're talking	21 your training sessions?
22 about?	22 A. Yes.
23 A. Depending on the session, the set-up would be	23 Q. Do you also utilize someone at the -- or work
24 to get everything all set up for the software to	24 with someone at their computer or at a computer?
25 operate. If it's -- the end user training is getting	25 A. Yes.
Page 57	Page 59
1 the end user familiar with all the screens necessary to	1 Q. What does that involve when you have someone
2 do their job. If it's the billing session, it's	2 at a computer? What do you do then?
3 getting the users familiar and having the system go	3 A. Well, the software is computer software, so
4 through a complete billing cycle and come out with	4 we're training them on the operation of the software or
5 bills, so it depends on the session.	5 the set-up or the production of end products from their
6 Q. So you take that curriculum and then you go in	6 computer, so at all times they're at a computer.
7 and figure out how to determine to best train the	7 Q. Does that mean that they're sort of playing
8 particular end users?	8 around with the different screens and module itself?
9 MS. BAGLEY: Object to the form.	9 A. They can be depending on what they're doing,
10 A. I may determine the best way of training if	10 trying different alternatives. Usually it's a flow of
11 there's any deviation from the standard, but that would	11 operational processes that are involved in completing
12 -- any deviation would be not totally my decision. It	12 their task.
13 would be based upon what the project manager and my	13 Q. So are they inputting things into the
14 manager and myself agreed would be best.	14 computer?
15 Q. (BY MS. PERLIONI) I'm not really talking about	15 A. Inputting and analyzing the results of their
16 deviation from. You mentioned earlier, you know,	16 input and producing results through the software and
17 having a session where you're working with the end user	17 launching a process possibly.
18 on helping them understand the different screens	18 Q. Is this live data?
19 available in a particular module, so I'm not saying	19 A. Yes.
20 deviate from that, but how do you determine how to	20 Q. So they're actually in their system practicing
21 present that to them in a way that would effectively	21 and training with live data?
22 train them on being able to utilize that and understand	22 A. The way the implementation is done is there's
23 the screen shots?	23 an initial training on their data in a test environment
24 A. We have PowerPoints and curriculum that are	24 that's not live to their final results, but at some
25 standard for the module training session.	25 point we Go Live, and that's usually the last session

THOMAS O'HAVER; May 18, 2010

18 (Pages 60 to 63)

Page 60	Page 62
1 where after they have gone through all the practice 2 sessions and their billing and software works 3 correctly, they come out with the same numbers as 4 they're used to seeing, then we do a cutover to the 5 live data, and that may involve a Go Live conversion of 6 the data by our conversion people so that when I go out 7 for that session, then they are live with that -- with 8 their data on that session. That's usually the last 9 session. 10 Q. So where they're tinkering around, though -- 11 A. It's usually a test. It's something that 12 wouldn't modify their data. There are some things they 13 can do on their live data that doesn't change anything. 14 Q. Because they're tinkering around. You don't 15 want them to mess up all the data, right? 16 A. Right. 17 Q. As they're tinkering around, are you standing 18 over their shoulder helping them with things? I mean, 19 how does that -- giving them, you know, tips on where 20 they go next and what happens if they do certain things 21 within the software? 22 A. That may be a scenario that happens, yeah, 23 during some of their -- if they're a small group that I 24 can do that with. Usually they watch me do things, and 25 then I walk around the room as they're going through	1 recognize the documents that I've handed you marked 2 Deposition Exhibits 13 and 14? 3 A. (Reviewing). As a cover letter and resume 4 that I had sent to Tyler. 5 Q. So just for the record -- and tell me if I'm 6 correct on this -- Deposition Exhibit 13 is a cover 7 letter that you sent to Tyler Technologies? 8 A. Yes. 9 Q. And Deposition Exhibit 14 is a copy of a 10 resume you submitted to Tyler Technologies? 11 A. It's a copy of a resume. I have no way of 12 knowing if this is the one I sent to Tyler except that 13 you have it, so I must have. 14 Q. Looking at Deposition Exhibit 14, does that 15 appear to be a true and correct copy of a resume that 16 you prepared and utilized in searching for employment? 17 A. Yes. 18 Q. So no reason to dispute that you submitted it 19 to Tyler Technologies? 20 A. Right. Right. 21 Q. There's not a date on Deposition Exhibit 13. 22 Obviously this was submitted after your employment with 23 Tyler Technologies ended, because it includes work with 24 Jones & Jones Architect, 2007 to the present, which was 25 post-Tyler employment, correct?
Page 61	Page 63
1 their practice session and observe what they're doing 2 and answer any questions. 3 Q. So you actually -- so your screen is projected 4 somehow? 5 A. Yes. 6 Q. And you're working through the software and 7 showing them different nuances in the software? 8 A. Yes. 9 Q. And then you step back and watch them trying 10 to do it on their own computer terminal? 11 A. That is one scenario that could happen, yes. 12 Q. What other kinds of scenarios might there be? 13 A. If it's a small group, there may not be a 14 projection. It may just be two or three people being 15 trained, and they would watch me over my shoulder do 16 some things, and then they'd go back to their computers 17 and then I would watch them. 18 Q. Throughout this time, you're interacting with 19 them answering whatever questions they may have? 20 A. Yes, I would be their trainer. 21 (Deposition Exhibits 13 and 14 were 22 marked for identification.) 23 Q. (BY MS. PERLIONI) I'm going to hand you two 24 documents. One I'm marking Deposition Exhibit 13 and 25 the other I'm marking Deposition Exhibit 14. Do you	1 A. Correct. 2 Q. Do you know when you submitted Deposition 3 Exhibits 13 and 14 to Tyler Technologies? 4 A. No. 5 Q. But we can at least confirm that this 6 Deposition Exhibit 13 and 14 was a cover letter and 7 resume you submitted after your employment with Tyler 8 Technologies ended and at some point in time in an 9 effort to come back to work with Tyler Technologies? 10 A. Yes. 11 Q. I want to go back real quick. 12 (Deposition Exhibit 15 was marked for 13 identification.) 14 Q. (BY MS. PERLIONI) I'm going to hand you 15 another document, and it's actually a compilation of 16 documents, but if you'll take a look, I'm marking them 17 Deposition Exhibit 15. I'm looking at Deposition 18 Exhibit 12 and Deposition Exhibit 15. You need to have 19 these at your fingertips. I just want to get a salary 20 history if you will relating to your employment tenure 21 with Tyler Technologies. If you look at Deposition 22 Exhibit 12, it indicates on here that you would have a 23 starting base salary of \$60,000. Do you see that? 24 A. Yes. 25 Q. Do you recall that as being your salary when

THOMAS O'HAVER; May 18, 2010

20 (Pages 68 to 71)

Page 68	Page 70
<p>1 that?</p> <p>2 A. Yes.</p> <p>3 Q. So parcels, permits and inspections, water and 4 sewer utility billings, special assessments, customer 5 requests, and crystal reports. It looks to me -- and 6 you tell me if I'm misunderstanding -- to be more 7 modules than you told me earlier that you supported 8 with Tyler Technologies.</p> <p>9 A. There is one that I didn't mention earlier, 10 the customer requests. I had started to prepare for 11 that module. I don't believe I ever implemented that 12 for Tyler, so I didn't include it in the previous list.</p> <p>13 Crystal reports, I put that in there. It's 14 not a separate module. It's a way of reporting on any 15 of the other modules, but the positions that I was 16 applying for evidently required or wanted crystal 17 report experience, so I highlighted that in there as a 18 module.</p> <p>19 It was kind of in that gray area. We did 20 offer crystal reports training separate from our other 21 modules, and I did use crystal reports quite a bit in 22 the implementation, because that's the way reports were 23 produced from all the products.</p> <p>24 Q. Can you explain what it is?</p> <p>25 A. It's a reporting package that's a generic</p>	<p>1 structured query language, to identify problems within 2 the Tyler software programs?</p> <p>3 A. It would be problems with the data.</p> <p>4 Q. The client's data?</p> <p>5 A. Yeah. And that could have been their fault or 6 it could have been the conversion people's. It varied.</p> <p>7 Q. Looking at the data, how do you identify 8 whether or not something is a problem?</p> <p>9 A. If it didn't agree with what appeared on their 10 forms through the software, Tyler software.</p> <p>11 Q. Were you spot-checking or how did you 12 determine to go in and do this testing using this SQL?</p> <p>13 A. Part of my responsibility would be to look at 14 their bills and make sure that the customer was being 15 billed the proper amount for the proper consumption or 16 usage or permit fee or assessment, and all of that 17 information is stored in the database and/or calculated 18 through the formulas, and so I would compare the result 19 that the program came out with on the forms or the 20 reports with what the database had, and sometimes that 21 would involve SQL query interaction with the database.</p> <p>22 Q. When you said customer in your answer just 23 then, I'm assuming that's the customer of --</p> <p>24 A. Of the client.</p> <p>25 Q. Of the client?</p>
Page 69	Page 71
<p>1 reporting database reporting tool that many companies 2 used, and Tyler used it as their reporting engine for 3 their financial modules.</p> <p>4 Q. Look below on other duties. Can you explain 5 -- the first one says "use of SQL, structured query 6 language, to access relational database information."</p> <p>7 Can you explain what that means?</p> <p>8 A. The information -- their data was actually 9 stored in a relational database. It was either a SQL 10 server or Oracle.</p> <p>11 During that process of the implementation that 12 I was involved with, I had to access their data in ways 13 other than the forms that we were provided in the 14 software did, and that was through SQL commands, and so 15 I was trained and familiar with accessing the data by 16 using SQL commands.</p> <p>17 Q. Why did you need to do that?</p> <p>18 A. To check the accuracy of the forms and make 19 sure that it was retrieving the data correctly, and 20 sometimes when it wasn't, then I would report to the 21 conversion people a problem or inconsistency, and that 22 was part of my responsibility to if there was any 23 inconsistency or problem to report that to the data 24 conversion.</p> <p>25 Q. So you were using this different language,</p>	<p>1 A. Yeah. Rather than the client themselves.</p> <p>2 Q. Right. And how would you decide when you 3 needed to use the SQL as opposed to something else?</p> <p>4 A. Usually it was in testing or in 5 troubleshooting an inconsistency.</p> <p>6 Q. Looking at the second entry on your resume, 7 "using ERD, entity relationship diagram, schemas to 8 create and interpret SQL," what does that mean?</p> <p>9 A. ERD schemas, that's a database term. That 10 means a plan -- a diagram of a database. Schema is a 11 diagram of the data like an org chart for the way the 12 data is stored.</p> <p>13 I used the entity relationship diagrams, which 14 is another way of showing relationships between things 15 that are important in the database such as customer or 16 order, consumption, address, you know, just different 17 components that are stored in the database and how 18 those relate to each other.</p> <p>19 Entity relationship diagrams, they're diagrams 20 of how things relate. Like the customer would have one 21 address, so it would be a one-to-one relationship. The 22 customer may have many bills, so there would be 23 one-to-many relationship between the customer and his 24 bills.</p> <p>25 So those diagrams present the relationships</p>

THOMAS O'HAVER; May 18, 2010

21 (Pages 72 to 75)

Page 72	Page 74
<p>1 between those entities in the database. It happened to 2 be tables and structures of tables and data. 3 Q. What are you looking for in these schemas? 4 A. Well, I would be using those to determine 5 again in testing and in determining any consistencies 6 or inconsistencies of the data.</p> <p>7 Part of my job -- since the data conversion 8 people did not go out after the initial conversion 9 usually and I was the on-site person, part of my 10 secondary responsibilities would be to identify any 11 inconsistencies in the data and relay that to the data 12 conversion group.</p> <p>13 Q. What do you mean when you say create and 14 interpret SQL?</p> <p>15 A. SQL is a command language, and so I would 16 create the commands that would retrieve the data in the 17 right way.</p> <p>18 Q. How did you know how to do that?</p> <p>19 A. I had previously worked for a database 20 company, Oracle Corporation.</p> <p>21 Q. So based on prior experience and knowledge?</p> <p>22 A. Yes.</p> <p>23 Q. What is this creating customized training 24 documentation?</p> <p>25 A. That's a general statement. Like I mentioned</p>	<p>1 already familiar with in order to make the training 2 flow better, but for the most part, the training 3 material was already created for me.</p> <p>4 Q. (BY MS. PERLIONI) You know, I want to make 5 sure I understand. Is it that there's multiple 6 different types of training material already created 7 and you pick amongst those and develop the specific 8 package you're going to utilize with that client?</p> <p>9 A. No. There's training material for each of the 10 modules, and depending on the module I'm training on, I 11 would take that training material and see if there's 12 anything that needs to be done to it to make it fit 13 better to the client.</p> <p>14 Q. The next bullet point on your resume that you 15 submitted to Tyler says "InForum Gold DJS integration," 16 and then in parentheses it's geographic information 17 systems. I assume GIS is the acronym that stands for 18 that.</p> <p>19 A. Yes.</p> <p>20 Q. What do you mean by that? What are you 21 representing there?</p> <p>22 A. Okay. With their software, which was called 23 InForum Gold, which included the many modules that 24 Tyler sold, including the ones that I supported, there 25 was an interface to many of the modules that was a</p>
Page 73	Page 75
<p>1 earlier, for the most part, the training documentation 2 was provided to me, but I would be responsible for 3 creating any modifications or customizations for -- of 4 that training material. It would be given to me in a 5 soft format where I could make some changes if 6 necessary, but normally that was not necessary.</p> <p>7 Q. What do you mean normally it was not 8 necessary? So you didn't tinker with the standard 9 training material for most of the clients you went out 10 to implement?</p> <p>11 MS. BAGLEY: Object to the form.</p> <p>12 A. Correct. Yeah. The ideal situation would be 13 to use the curriculum and the training materials in the 14 way that it was originally developed, but everything's 15 different, you know, when you get out in real life.</p> <p>16 Like I said, there may be -- for that 17 particular client, there may be some different 18 parameters that need to be set or different training, 19 more training that needs to be done or more screens 20 shown to a specific client that's not used to the 21 software as opposed to those that were used to the 22 software the way Tyler did things previously.</p> <p>23 So I may include more screen shots or more 24 detail on a specific topic, so I might flush out 25 something or eliminate something that I knew they were</p>	<p>1 geographic interface where we could produce a map that 2 showed a customer or a parcel or a water meter or a 3 sewer manhole or something on a drawing, and you could 4 inquire on that map and get the customer's information 5 or you could inquire the customer's name and get a map, 6 so you could go from the picture to the word or the 7 word to the picture. That interface is called a 8 geographic information system interface.</p> <p>9 Some of my further background was geographic 10 information systems, and so I was highlighting that 11 because I was familiar with that interface that Tyler 12 provided to the client.</p> <p>13 Q. On your resume, it represents that you were -- 14 something about an integration of that system.</p> <p>15 A. Yes. That involved setting that up in order 16 for them to use that. It was part of the software, but 17 not everyone used it, so if they were interested in 18 using that integration, it would need to have -- be set 19 up to do so, and I did that.</p> <p>20 Q. The next bullet point, "integration with other 21 financial accounting modules and systems, i.e., 22 cashiering, general ledger, accounts payable, 23 purchasing, accounts receivable, project accounting, 24 fixed assets, inventory, and personal modules, i.e., 25 payroll, human resources, applicant tracking," can you</p>

THOMAS O'HAVER; May 18, 2010

28 (Pages 100 to 103)

Page 100	Page 102
<p>1 Q. You had mentioned that you were tracking 2 in-office time that's not billable. 3 A. Right. 4 Q. Why wouldn't you record the out-of-office time 5 even though it's not billable? 6 MS. BAGLEY: Form. 7 A. I mentioned that in-office time it was 8 billable. 9 Q. (BY MS. PERLIONI) I'm sorry. I didn't 10 recognize that distinction. 11 A. Yeah. If there was office time that was 12 billable that I could do in the office, I reported 13 that. 14 Q. So on your time sheet, you wouldn't include 15 any time, say, you were in the office working but you 16 didn't view that as being billable towards a client? 17 A. I wouldn't record that for the client, no. I 18 would record it as just office time. 19 Q. And then now I'm trying to understand. So 20 when you're at a client's, you're in the hotel after 21 evenings -- I'm sorry -- after working with the client 22 and you're preparing for the next day, that time, would 23 you record that on your time sheet as nonbillable? 24 A. No. 25 Q. So you didn't track that anywhere?</p>	<p>1 Q. Thank you. 2 A. Yes. 3 Q. And you received the final paycheck with the 4 PTO hours that is indicated on Deposition Exhibit 19? 5 A. Yes. 6 (Deposition Exhibit 20 was marked for 7 identification.) 8 Q. (BY MS. PERLIONI) I'm going to hand you 9 another document that I'm marking Deposition 10 Exhibit 20. I would like you to take a look at 11 Deposition Exhibit 20 and tell me if you recognize it. 12 A. (Reviewing). 13 MS. PERLIONI: Let's go off the record 14 to give him a chance to review Deposition Exhibit 20. 15 (Discussion off the record.) 16 (Deposition Exhibit 21 was marked for 17 identification.) 18 Q. (BY MS. PERLIONI) You've had a chance to look 19 at Deposition Exhibit 20 and 21? 20 A. Yes. 21 Q. I'll represent to you I believe Deposition 22 Exhibit 21 to be a declaration that it says on the 23 second page of Deposition Exhibit 20 there's a 24 signature line for Tom O'Haver. 25 A. Yes.</p>
Page 101	Page 103
<p>1 A. No. Nope. 2 (Deposition Exhibits 18 and 19 were 3 marked for identification.) 4 Q. (BY MS. PERLIONI) I'm going to hand you two 5 more documents. These I'm marking as Deposition 6 Exhibit 18 and 19. I'll hand you 18 first. Next I'm 7 going to hand you 19. Can you take a look at those 8 documents and tell me if you recognize them? 9 A. (Reviewing). Okay. Yes. I recognize these. 10 Q. Is Deposition Exhibit 18 a true and correct 11 copy of an e-mail you sent to Marilyn Foos informing 12 her that you were resigning your employment with Tyler 13 Technologies? 14 A. Yes. 15 Q. And is Deposition Exhibit 19 a true and 16 correct copy of the letter you received from Tyler 17 Technologies confirming your separation of employment 18 and outlining your final paycheck and benefits? 19 A. Yes. 20 Q. And on Deposition Exhibit 19, it indicates 21 that you would be receiving your last final paycheck 22 and it would include 40 regular hours and 2.0 hours of 23 PTO that have been accrued and not taken. Do you see 24 that? 25 A. 2.08 hours of PTO.</p>	<p>1 Q. Is that your signature? 2 A. Yes. 3 Q. And does Deposition Exhibit 20 appear to be a 4 true and correct copy of a declaration that you signed? 5 A. Yes. 6 Q. Can you just tell me -- and I don't want you 7 to go into any conversations that you may have had with 8 an attorney, but what was the process for putting 9 together the declaration that we have marked 10 Exhibit 20? I mean, did you sit down at your computer 11 and type it? 12 A. I don't recall. It appears to, except this is 13 not the copy that I typed because of the lack of 14 hyphenations at the end of sentences. This may have 15 been a handwritten -- a typewritten version of my 16 handwritten document. I can't recall. 17 Q. In looking at Deposition Exhibit 20 -- and I'm 18 looking particularly at paragraph 4 -- you say, "I 19 regularly worked an average of 50 to 60 hours per week. 20 Some weeks I worked as many as 70 hours." 21 When you're talking about the 50, 60 hours per 22 week, are those the weeks you were actually on-site 23 with a client doing implementation? 24 A. Forty hours of that or the number of hours 25 that that was allocated for that training session would</p>

THOMAS O'HAVER; May 18, 2010

29 (Pages 104 to 107)

Page 104	Page 106
<p>1 be included in that, but that would include also extra 2 hours on the airplane that I would be working on 3 material for the sessions and in my hotel room late at 4 night.</p> <p>5 Q. I guess my question is where you're saying the 6 average 50 to 60 hours per week, those were weeks when 7 you were traveling?</p> <p>8 A. Yes.</p> <p>9 Q. So not weeks when you were actually in the 10 office?</p> <p>11 A. Correct.</p> <p>12 Q. And how did you come up with 50 to 60 hours 13 per week? I mean, I know it says it's an average, but 14 did you go through any type of looking back at 15 documents or any type of calculation to come up with 16 that or is this just something that's sort of a 17 guesstimate out of your head?</p> <p>18 MS. BAGLEY: Object to the form.</p> <p>19 A. I considered that most of the implementations 20 involved four days of training on-site and at least 21 four days in the hotel room and travel time, and much 22 of my time with Tyler Technologies involved 23 implementation projects on the east coast, and so I 24 would travel -- be traveling across country and working 25 on the airplane primarily the whole time there and back</p>	<p>1 wasn't a computed average.</p> <p>2 Q. Did you ever work on any federal holidays, any 3 company holidays?</p> <p>4 A. It seems to me like I did work on some company 5 holidays that wasn't the client holiday, but I can't 6 remember what that would have been, because most of the 7 clients were municipal employees or government 8 employees. They had all the same holidays I had.</p> <p>9 I think there was perhaps -- I can't remember. 10 There might have been a Tyler holiday that we got off 11 that I had to work. It seems like -- I don't recall 12 specifically, but it seems like that was the case in at 13 least one case.</p> <p>14 Q. One particular holiday?</p> <p>15 A. Yeah.</p> <p>16 Q. Do you remember what year that was or --</p> <p>17 A. No, not with detail, but it seems like there 18 was something.</p> <p>19 Q. Take a look at Deposition Exhibit 21 and tell 20 me -- you already told me you recognized it.</p> <p>21 A. Yes.</p> <p>22 Q. What is Deposition Exhibit 21?</p> <p>23 A. It was a performance improvement memo.</p> <p>24 Q. And I just want to make sure. If you look on 25 the second page, which is Bates labeled 3185 of</p>
Page 105	Page 107
<p>1 either preparing for the class or writing the follow-up 2 memo on the way back and preparing for my next session 3 and calculating that that came out to be 50 to 60 hours 4 and sometimes for longer implementations and longer 5 weeks for up to 70 hours if it was a difficult 6 implementation.</p> <p>7 Q. (BY MS. PERLIONI) I'm going to object to the 8 form of your answer. My question was did you look back 9 at any documents to come up with the average you've 10 included in Deposition Exhibit 20?</p> <p>11 A. No, I didn't. I didn't document that 12 anywhere.</p> <p>13 Q. And when you're talking about different 14 implementations, did you consider how many were on the 15 east coast versus how many were elsewhere in trying to 16 come up with your numbers at all?</p> <p>17 A. No. It was a general statement for all my 18 implementation clients, which involved people on the 19 east coast, west coast, and centrally located in the 20 country.</p> <p>21 Q. So you didn't do any analysis of all the 22 different implementations you did to try to see truly 23 what the average was of where the clients were and 24 things like that?</p> <p>25 A. No. It was -- it was a general average. It</p>	<p>1 Deposition Exhibit 21, is that your signature on this 2 document?</p> <p>3 A. Yes.</p> <p>4 Q. And does this, this being Deposition 5 Exhibit 21, appear to be a true and correct copy of a 6 performance improvement memo you received on March 7, 7 2007?</p> <p>8 A. Yes.</p> <p>9 Q. I want to go back to one thing. I want to 10 take you back to Deposition Exhibit 7. Can you look 11 back to Deposition Exhibit 7?</p> <p>12 A. I don't have that.</p> <p>13 MS. BAGLEY: Here (handing).</p> <p>14 A. Okay. I have that now.</p> <p>15 Q. (BY MS. PERLIONI) You said this was your 16 calendar or information from your calendar, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Do you have this type of information saved in 19 a calendar somewhere up through the end of your 20 employment with Tyler Technologies?</p> <p>21 A. No.</p> <p>22 Q. You didn't keep this kind of information?</p> <p>23 A. No.</p> <p>24 Q. So you don't have something on your calendar 25 saying, hey, here's the day I took off and went to the</p>

THOMAS O'HAVER; May 18, 2010

24 (Pages 84 to 87)

Page 84	Page 86
<p>1 examples in your head that you can remember sitting 2 here today?</p> <p>3 A. No. I can't remember any.</p> <p>4 Q. Do you think at the time when you were 5 crafting your employee comments that you were thinking 6 of specific examples?</p> <p>7 MS. BAGLEY: Object to the form.</p> <p>8 A. Perhaps. That's why I put it down, because I 9 was thinking of examples, but I didn't mention the 10 examples. I just supported that with a statement or 11 two or three statements here to support my ranking of 12 where -- how I had ranked myself.</p> <p>13 Q. (BY MS. PERLIONI) Turn to the next page. It's 14 page 3 of 8, and it's Bates labeled 3198. At the very 15 top -- and I'm looking at the employee comments that 16 are at the very top of the page -- you write, "I often 17 am able to exceed the scheduled commitments while 18 allowing adequate time for the tasks and agenda items 19 of the consulting engagement. For example, I am often 20 able to add value to the training consulting by 21 creating and documenting custom service orders and 22 other client-specific value added documentation in 23 areas where the client needs special attention. If 24 necessary, I have often come in early and worked late 25 as well as my hotel room late at night to solve</p>	<p>1 A. Yes. During the training, in the process of 2 training.</p> <p>3 Q. When you were on-site, you mentioned in here 4 that you often come in early and work late in your 5 hotel room.</p> <p>6 A. Yes.</p> <p>7 Q. Would that be during those time periods that 8 you were actually on-site with the client?</p> <p>9 A. Yes.</p> <p>10 Q. On average, approximately how much time maybe 11 before or after like in a particular day would you work 12 when you were not physically sitting there with the 13 client?</p> <p>14 A. Many times I'd be working late at night in the 15 hotel room creating and making sure I understood the 16 clients and the software details in order to make their 17 learning experience better for the next day and for 18 future implementations, and that at times involved 19 three, four, five hours at a time on my own in the 20 hotel room or on the airplane either to or from the 21 client site.</p> <p>22 Q. And how did you decide what you needed to work 23 on during that time period?</p> <p>24 A. That was based upon the feedback that I got 25 during the training session.</p>
<p>1 problems and come up with new ways of doing things." 2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. And is that an accurate statement?</p> <p>5 A. Yes.</p> <p>6 Q. And you were truthful when you included these 7 comments on your performance evaluation?</p> <p>8 A. Yes.</p> <p>9 MS. BAGLEY: Object to form.</p> <p>10 Q. (BY MS. PERLIONI) Tell me what kinds of 11 problems that you were working to solve sitting here 12 today if you recall them. I know it's been a while.</p> <p>13 A. A typical problem would have been probably in 14 this situation a utility billing implementation, 15 because that's what I was supporting at this time, and 16 it mentions also in this scenario here that client 17 needs special attention, client-specific value added 18 documentation.</p> <p>19 That would be the extra PowerPoint or screen 20 shots or more detail on a specific operational or 21 set-up form that I would create in order to help them 22 along if they were having some difficulty in one of the 23 steps of the training process.</p> <p>24 Q. And those were difficulties you identified 25 while you were there on-site visiting the client?</p>	<p>1 Q. From the client?</p> <p>2 A. From the client and from my observation, my 3 professional observation.</p> <p>4 Q. Did you record the hours that you worked in 5 the evenings during the time you were doing this work 6 that you just described on any time sheets or, you 7 know, any notes you made or anything like that?</p> <p>8 A. No.</p> <p>9 Q. So you never kept track of the evening hours 10 that you worked in preparing for the next day during an 11 implementation?</p> <p>12 A. No. There were just a certain number of hours 13 allocated to the client, and that's all I was allowed 14 to report.</p> <p>15 Q. What do you mean by that?</p> <p>16 A. The client as we mentioned earlier bought a 17 training plan that involved a specific number of hours 18 of training, and that was training on-site in the 19 classroom and did not include preparation in my hotel 20 room or on the airplane or before the sessions started 21 or after the sessions completed.</p> <p>22 Q. So you recorded only those billable training 23 hours?</p> <p>24 A. Yes.</p> <p>25 Q. And you didn't keep track whatsoever of the</p>

THOMAS O'HAVER; May 18, 2010

25 (Pages 88 to 91)

Page 88	Page 90
<p>1 hours that you were preparing for those training 2 sessions?</p> <p>3 A. No.</p> <p>4 Q. No meaning I'm correct? You didn't keep 5 track?</p> <p>6 A. I did not keep track of those.</p> <p>7 Q. Do you have any way to look at -- is there any 8 documentation you could look at to try to recreate what 9 those hours would be?</p> <p>10 A. No. Just from my knowledge, recollection that 11 I many times spent many late hours in the hotel room 12 preparing for the next day, and I typically did that 13 not only with Tyler but with previous employers and 14 subsequent employers. I took a lot of time in order to 15 make my training sessions better and the experience of 16 the client better.</p> <p>17 Q. What kind of things could you do in the 18 evenings to make the following day training session 19 better?</p> <p>20 A. I would create more detail in the PowerPoint 21 presentation and/or in the curriculum or I would 22 include more screen shots that the client was having 23 trouble with to demonstrate to them and make it easier 24 for them to understand.</p> <p>25 Q. So you're spending approximately two hours</p>	<p>1 critical aspects of assignments. Consistently 2 demonstrates interest in developing or learning new 3 skills, knowledge, and abilities." Is that correct?</p> <p>4 A. That's correct, yes.</p> <p>5 Q. And you were truthful when you ranked 6 yourself?</p> <p>7 A. Yes.</p> <p>8 MS. BAGLEY: Form.</p> <p>9 Q. (BY MS. PERLIONI) Look down. I'm looking now 10 at the comments that you added. "I have been around 11 software consulting and problem solving long enough to 12 be able to effectively solve most situations that come 13 my way. I maintain a list of solutions for future 14 reference and am able to resolve most issues quickly 15 and efficiently."</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. And were you truthful when you made that 19 statement?</p> <p>20 MS. BAGLEY: Form.</p> <p>21 A. Absolutely.</p> <p>22 Q. (BY MS. PERLIONI) And can you tell me -- do 23 you still have this list of solutions?</p> <p>24 A. No.</p> <p>25 Q. What kind of things were you including on the</p>
<p>1 tailoring your next day's training based on your 2 judgment of how that day's training went with a 3 particular client?</p> <p>4 A. Yes.</p> <p>5 Q. Let's go back to Deposition Exhibit 16, and I 6 want to look at the very next -- again, we're on page 7 38. It's Bates labeled 3198. It says, 5, independence 8 initiative. It states, "Employee demonstrates 9 resourcefulness and originates productive action on 10 assignments."</p> <p>11 A. I'm sorry. Which page?</p> <p>12 Q. I'm sorry. I'm on page 3 of 8. It's Bates 13 labeled 3198.</p> <p>14 A. Okay.</p> <p>15 Q. It says number 5, independence initiative. Do 16 you see that?</p> <p>17 A. Yes.</p> <p>18 Q. It says, "Employee demonstrates 19 resourcefulness and originates productive action on 20 assignments. Consider employee's interest in 21 developing or learning new skills, knowledge, and 22 abilities."</p> <p>23 If I'm reading this correctly, you ranked 24 yourself as "works out effective solutions and requires 25 supervision only for instruction on new projects or for</p>	<p>1 list of solutions? I'm referring to your list here 2 that says you're able to effectively solve most 3 situations that come my way and you're maintaining a 4 list for future reference. What kind of things?</p> <p>5 A. For the software that I was involved with, I 6 typically and still do for jobs that I do keep a list 7 of typical problems and their solutions that becomes 8 useful because I can't remember them all.</p> <p>9 Q. So once you figure it out, you want to be --</p> <p>10 A. Once I figure it out, I want to be able to get 11 back to it and figure it out the next time without so 12 much effort as I put into it the first time, so I keep 13 a list of those or keep them in some format whether it 14 be a spreadsheet or a Word document or a database of 15 some kind.</p> <p>16 Q. You didn't save that one?</p> <p>17 A. No. When I left the company, they took my 18 computer, and that's what I was keeping it on, so of 19 course I didn't keep everything, no.</p> <p>20 Q. Let's take a look at Deposition Exhibit 17, 21 and, again, this is one that I asked you to review 22 while we were on a break a second ago.</p> <p>23 A. Okay.</p> <p>24 Q. Can you tell me if you recognize Deposition 25 Exhibit 17?</p>

THOMAS O'HAVER; May 18, 2010

27 (Pages 96 to 99)

Page 96	Page 98
	Page 98
<p>1 incorporated some exercises and a curriculum print-out, 2 it lended itself to different learning methods, visual, 3 following, and hearing and reading, so the curriculum 4 that we provided to them was multimedia curriculum, 5 and, therefore, it helped the people that learned in 6 different ways to in one way or another get the 7 material.</p> <p>8 Q. I'm not going to go all the way through 9 Deposition Exhibit 17, but I just want to confirm that 10 when you did include your employee comments on 11 Deposition Exhibit 17 that you were being truthful 12 about your evaluation of your performance and your 13 duties.</p> <p>14 A. Yes.</p> <p>15 MS. BAGLEY: Form.</p> <p>16 Q. (BY MS. PERLIONI) When you were not on a 17 client's site doing implementation or working in the 18 evening in your hotel room, where did you typically 19 work? Did you go into an office or did you work from 20 your home?</p> <p>21 A. I went into the office.</p> <p>22 Q. And say if you had been out at a client's site 23 Monday through Thursday and you finished up, could you 24 not go in on Friday if you had wanted to? Were you 25 allowed that flexibility?</p>	<p>1 your travel arrangements would be?</p> <p>2 A. The typical travel arrangements would be 3 sessions to occur between Tuesday and Friday morning 4 and to end halfway through Friday, so it would be like 5 Tuesday, Wednesday, Thursday, three and a half days of 6 training, so Monday would be used for travel. 7 Sometimes if the client was on the west coast, 8 I would get there and hold a Monday afternoon session. 9 If it was on the east coast, then I would have Tuesday 10 through Friday morning sessions.</p> <p>11 Q. And then you would fly back Friday afternoon?</p> <p>12 A. And fly back Friday afternoon. That was 13 typical but not always the situation. Sometimes I 14 would be required to be there for a Monday morning 15 meeting, or sometimes the session would go through the 16 afternoon on Friday, in which case I'd travel on my 17 Friday and get home from the east coast or I'd travel 18 on Sunday to get there for the Monday morning meeting.</p> <p>19 Q. Did you track the hours that you worked during 20 the time that you were in the office and not on a 21 client site?</p> <p>22 A. No. Well, it was reported on my timecard as 23 office time depending on what I was doing on there. If 24 it was directly related to the project and budgeted 25 with the project, then I would report it, but normally</p>
Page 97	Page 99
<p>1 A. Not usually. If there was some special -- 2 something special I needed to do, I could get 3 permission to do that, but normally I would go into the 4 office because I'd be involved in writing the follow-up 5 memo and reporting my details of my project.</p> <p>6 Usually I was involved with more than one 7 project at a time, so I may have a conference call with 8 another client during that off time, so I would be -- 9 there would be overlapping in sessions with different 10 clients, so from one week to the next I would be 11 thinking about the next session or planning for the 12 next session, so there would always be something to do 13 in the office.</p> <p>14 Q. What were your typical hours when you were in 15 the office as opposed to --</p> <p>16 A. 8 to 5.</p> <p>17 Q. And you'd take a lunch break?</p> <p>18 A. Yes.</p> <p>19 Q. An hour lunch?</p> <p>20 A. Yes.</p> <p>21 Q. When you were -- did you set up your travel 22 schedule for going to the client sites?</p> <p>23 A. Yes.</p> <p>24 Q. And how did you decide whether to fly in early 25 morning or the night before or how did you decide what</p>	<p>1 it would just be reported as office time.</p> <p>2 Q. What timecard are you referring to?</p> <p>3 A. Well, there was an online -- I can't remember 4 the details that far back, but there was a reporting of 5 allocation of my time for the projects.</p> <p>6 Q. And did you accurately record your time?</p> <p>7 A. Oh, yeah.</p> <p>8 MS. BAGLEY: Object to the form.</p> <p>9 Q. (BY MS. PERLIONI) This online time recording, 10 did you utilize that system when you were out at a 11 client doing implementation as well?</p> <p>12 A. I can't recall whether I used it then or just 13 when I was back in the office. I can't remember.</p> <p>14 Q. So it may be that you kept track of your time 15 while you were out at a client's and then input it when 16 you were back at the office?</p> <p>17 A. Yeah.</p> <p>18 Q. But when you got back in the office and input 19 it, would you still accurately reflect all the time you 20 worked?</p> <p>21 A. Oh, yeah. Well, I would reflect the time of 22 the training sessions, not all the time that I -- extra 23 time it took. It had to be reported as -- unless I got 24 special permission, it had to match what was budgeted 25 to the project.</p>

THOMAS O'HAVER; May 18, 2010

28 (Pages 100 to 103)

Page 100	Page 102
<p>1 Q. You had mentioned that you were tracking 2 in-office time that's not billable. 3 A. Right. 4 Q. Why wouldn't you record the out-of-office time 5 even though it's not billable? 6 MS. BAGLEY: Form. 7 A. I mentioned that in-office time it was 8 billable. 9 Q. (BY MS. PERLIONI) I'm sorry. I didn't 10 recognize that distinction. 11 A. Yeah. If there was office time that was 12 billable that I could do in the office, I reported 13 that. 14 Q. So on your time sheet, you wouldn't include 15 any time, say, you were in the office working but you 16 didn't view that as being billable towards a client? 17 A. I wouldn't record that for the client, no. I 18 would record it as just office time. 19 Q. And then now I'm trying to understand. So 20 when you're at a client's, you're in the hotel after 21 evenings -- I'm sorry -- after working with the client 22 and you're preparing for the next day, that time, would 23 you record that on your time sheet as nonbillable? 24 A. No. 25 Q. So you didn't track that anywhere?</p>	<p>1 Q. Thank you. 2 A. Yes. 3 Q. And you received the final paycheck with the 4 PTO hours that is indicated on Deposition Exhibit 19? 5 A. Yes. 6 (Deposition Exhibit 20 was marked for 7 identification.) 8 Q. (BY MS. PERLIONI) I'm going to hand you 9 another document that I'm marking Deposition 10 Exhibit 20. I would like you to take a look at 11 Deposition Exhibit 20 and tell me if you recognize it. 12 A. (Reviewing). 13 MS. PERLIONI: Let's go off the record 14 to give him a chance to review Deposition Exhibit 20. 15 (Discussion off the record.) 16 (Deposition Exhibit 21 was marked for 17 identification.) 18 Q. (BY MS. PERLIONI) You've had a chance to look 19 at Deposition Exhibit 20 and 21? 20 A. Yes. 21 Q. I'll represent to you I believe Deposition 22 Exhibit 21 to be a declaration that it says on the 23 second page of Deposition Exhibit 20 there's a 24 signature line for Tom O'Haver. 25 A. Yes.</p>
Page 101	Page 103
<p>1 A. No. Nope. 2 (Deposition Exhibits 18 and 19 were 3 marked for identification.) 4 Q. (BY MS. PERLIONI) I'm going to hand you two 5 more documents. These I'm marking as Deposition 6 Exhibit 18 and 19. I'll hand you 18 first. Next I'm 7 going to hand you 19. Can you take a look at those 8 documents and tell me if you recognize them? 9 A. (Reviewing). Okay. Yes. I recognize these. 10 Q. Is Deposition Exhibit 18 a true and correct 11 copy of an e-mail you sent to Marilyn Foos informing 12 her that you were resigning your employment with Tyler 13 Technologies? 14 A. Yes. 15 Q. And is Deposition Exhibit 19 a true and 16 correct copy of the letter you received from Tyler 17 Technologies confirming your separation of employment 18 and outlining your final paycheck and benefits? 19 A. Yes. 20 Q. And on Deposition Exhibit 19, it indicates 21 that you would be receiving your last final paycheck 22 and it would include 40 regular hours and 2.0 hours of 23 PTO that have been accrued and not taken. Do you see 24 that? 25 A. 2.08 hours of PTO.</p>	<p>1 Q. Is that your signature? 2 A. Yes. 3 Q. And does Deposition Exhibit 20 appear to be a 4 true and correct copy of a declaration that you signed? 5 A. Yes. 6 Q. Can you just tell me -- and I don't want you 7 to go into any conversations that you may have had with 8 an attorney, but what was the process for putting 9 together the declaration that we have marked 10 Exhibit 20? I mean, did you sit down at your computer 11 and type it? 12 A. I don't recall. It appears to, except this is 13 not the copy that I typed because of the lack of 14 hyphenations at the end of sentences. This may have 15 been a handwritten -- a typewritten version of my 16 handwritten document. I can't recall. 17 Q. In looking at Deposition Exhibit 20 -- and I'm 18 looking particularly at paragraph 4 -- you say, "I 19 regularly worked an average of 50 to 60 hours per week. 20 Some weeks I worked as many as 70 hours." 21 When you're talking about the 50, 60 hours per 22 week, are those the weeks you were actually on-site 23 with a client doing implementation? 24 A. Forty hours of that or the number of hours 25 that that was allocated for that training session would</p>